

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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David Jacome,

Plaintiff,

v.

MEMORANDUM & ORDER
20-CV-02615 (DG) (PK)

Optical 49, Inc.; Dov Hoffman; Hatzluche
Optics Inc.,

Defendants.

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DIANE GUJARATI, United States District Judge:

Plaintiff David Jacome brought this action against Defendants Optical 49, Inc., Dov Hoffman, and Hatzluche Optics Inc. (collectively, “Defendants”), alleging violations of the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”). *See* Amended Complaint, ECF No. 9. Defendants did not appear in the action, and the Clerk of Court entered default against them on November 23, 2020. *See* Entry of Default, ECF No. 16.

On January 5, 2021, Plaintiff moved for default judgment against Defendants under Federal Rule of Civil Procedure 55(b) and for leave to file a request for attorneys’ fees. *See* Motion for Default Judgment (the “Motion”), ECF No. 17. I referred the Motion to Magistrate Judge Peggy Kuo for a Report and Recommendation (“R&R”). *See* January 7, 2021 Docket Entry (Order Referring Motion).

On July 9, 2021, Judge Kuo issued a thorough and well-reasoned R&R recommending that I grant Plaintiff’s Motion. Report and Recommendation, ECF No. 22. No objection has been filed to the R&R, and the time for doing so has passed. *See id.*

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those

portions of an R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have reviewed Judge Kuo’s R&R and, having found no clear error, adopt the R&R in its entirety.

Accordingly, Plaintiff’s Motion for Default Judgment is granted, and Plaintiff is awarded the following damages: \$39,211.61 for minimum wage underpayment; \$3,547.50 for unpaid overtime; \$5,000 for failure to provide wage notices; \$5,000 for failure to provide wage statements; \$42,759.11 for liquidated damages. Plaintiff is further awarded prejudgment interest at the rate of \$10.54 per day from February 16, 2019 until the date of judgment; post-judgment interest thereafter at the statutory rate; and the fifteen-percent increase penalty if damages under the NYLL are not paid within ninety days of judgment or the expiration of time to appeal. Plaintiff is further granted leave to file a motion for attorneys’ fees and costs.

The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

/s/ Diane Gujarati
DIANE GUJARATI
United States District Judge

Dated: August 3, 2021
Brooklyn, New York